

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and FACEBOOK,
INC.,

Defendants.

CIVIL ACTION NO. 1:04-cv-11923
(DPW)

District Judge Douglas P.
Woodlock

Magistrate Judge Robert B.
Collings

MARK ZUCKERBERG and
FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**PLAINTIFF'S MOTION TO COMPEL FACEBOOK
DEFENDANTS' PRODUCTION OF DOCUMENTS IN RESPONSE
TO REQUEST FOR PRODUCTION NOS. 171, 174-182, AND 184-187**

For the reasons fully set forth in the accompanying memorandum, Plaintiff hereby moves for an order compelling Facebook Defendants to produce documents responsive to the following production requests, which Defendants refuse to produce, and/or to amend their responses, as set forth below:

1. Produce documents responsive to Production Request Nos. 171, 174-175, 178-180, 182, 186, 187;
2. Produce documents responsive to Production Request Nos. 176-177, or amend their responses to state that they have no responsive documents;
3. Produce documents responsive to Production Request No. 181, or amend their response to state that they do not have any such code and that no preexisting code was incorporated into the facebook.com code;
4. Produce documents responsive to Production Request No. 184, or produce documents sufficient to identify the crashed hard drive, the date and circumstances surrounding the alleged malfunction of the facemash hard drive and loss of the facemash code, the date and circumstances surrounding the alleged loss of the hard drive (if they now claim it was lost), the location and custodian of all other memory devices that contain a copy of the facemash code, all backup copies or copies stored on other memory devices, and explain why this hard drive cannot be produced;
5. Produce documents responsive to Production Request No. 185, or amend their response to explain if this is the same hard drive as the drive mentioned in response to Request No. 30, to provide details relating to the alleged loss of this hard drive, including the circumstances, date of loss, make and model of the lost hard drive, the location and custodian of all other memory devices that contain a copy of thefacebook.com programs, and to produce all backup copies or copies stored on other memory devices.

CERTIFICATION UNDER L.R. 7.1(A)(2) and 37.1(B)

Plaintiff's counsel hereby certifies under L.R. 7.1(A)(2) and 37.1(B) that counsel for the parties conferred in good faith by telephone discovery conference on November 16, 2005, but were unable to resolve the issues covered by this motion. Defendants Thefacebook, Inc., Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, and Christopher Hughes ("Facebook Defendants") were represented during the conference by Monte Cooper and Robert Nagel of the Orrick, Herrington law firm. Plaintiff was represented by Troy Grabow and Margaret Esquenet of the Finnegan law firm. Counsel for Defendant Eduardo Saverin chose not to participate in the meet and confer.

The parties were not able to reach agreement on the issues addressed in the meet and confer.

REQUEST FOR ORAL ARGUMENT

Plaintiff believes oral argument may assist the Court, and wishes to be heard on these issues.

PROPOSED ORDER

A proposed Order is submitted with this motion as Exhibit A.

DATED: January 5, 2006

/s/ Troy E. Grabow
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Attorneys for Plaintiff and Counterclaim
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 5, 2006.